

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

UNITED STATES OF AMERICA ex rel.
TENNESSEE VALLEY AUTHORITY

PLAINTIFF

v.

Civil No. 1:17-cv-00144-GHD-DAS

AN EASEMENT AND RIGHT-OF-WAY
OVER 0.05 ACRE OF LAND,
MORE OR LESS, IN OKTIBBEHA COUNTY,
MISSISSIPPI, and GLEN DUMAS, *et al.*

DEFENDANTS

SUMMARY JUDGMENT AND ORDER DISBURSING FUNDS

For the reasons set forth in the memorandum opinion issued this day, the Court ORDERS that the United States motion for summary judgment (Doc. 14) is GRANTED. The Court finds that \$350 fair and just compensation for the easement and right of way acquired by the United States in this action.

It is further ORDERED that:

1. Defendant Glen Dumas shall recover from the Plaintiff \$175 for said Defendant's undivided 1/2 interest in the easement and right-of-way described in Attachment 1 to the Declaration of Taking (Doc. 2-1).
2. The Clerk of this Court is authorized and directed to draw a check on the funds deposited in the registry of this Court in this action in the amount of \$175, plus any accrued interest thereon less the applicable registry fee, payable to Glen Dumas and to mail said check to his address on file.
3. Defendant Billy Dumas shall recover from the Plaintiff \$175 for said Defendant's undivided 1/2 interest in the easement and right-of-way described in Attachment 1 to the Declaration of Taking (Doc. 2-1).
4. The Clerk of this Court is authorized and directed to draw a check on the funds deposited in the registry of this Court in this action in the amount of \$175, plus any accrued

interest thereon less the applicable registry fee, payable to Billy Dumas and to mail said check to his address on file.

5. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed in this action on September 22, 2017 (Doc. No. 2) is hereby fully and finally confirmed with respect to the easement and right-of-way described below, said description being the same as in Attachment 1 to the Declaration of Taking filed herein (Doc. No. 2-1):

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings, signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Tennessee Valley Authority to remain liable for any direct physical damage to the land and annual growing crops resulting directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the following-described land:

TRACT NO. SPHTB-41

A parcel of land located in Section 19, Township 18 North, Range 14 East, Oktibbeha County, State of Mississippi, as shown on a map entitled "Starkville – Philadelphia 161-kV Transmission Line Tap to Bluefield," drawing LW-5579, sheet 5C, R.1, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the parcel being more particularly described as follows:

Commencing at the northwest corner of Section 19, Township 18 North, Range 14 East and the northeast corner of Section 24, Township 18 North, Range 13 East thence leaving said corner and with the west line of Section 19, Township 18 North, Range 14 East and the east line of Section 24, Township 18 North, Range 13 East, S. 0° 00' 00" W., 1,319.14 feet to a point, said point being a property corner common between the lands of Glen Dumas, et al., Alvin Jackson, et ux., and Dana Davis Minor, said point being 2.58 feet left of survey station 294+97.77, said point being the Point of Beginning.

Thence from the Point of Beginning and with the west line of Section 19, Township 18 North, Range 14 East and the east line of Section 24, Township 18 North, Range 13 East N. 0° 00' 00" W., 73.02 feet to a point, said point being in the northeast right-of-way line of the said location: hence leaving said point and with the said right-of-way line S. 40° 29' 52" E., 96.03 feet to a point, said point being in a property line common between the lands of Glen Dumas, et al., and Alvin Jackson, et ux., thence leaving said point and with said property line N. 90° 00' 00" W., 62.36 feet to the Point of Beginning and containing 0.05 acre, more or less.

The above-described parcel of land is lying entirely in the northwest 1/4 of the northwest 1/4 of Section 19, Township 18 North, Range 14 East of Oktibbeha County, State of Mississippi.

6. This case is CLOSED.

SO ORDERED, this the 17th day of January, 2019.



SENIOR U.S. DISTRICT JUDGE